

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO.</b> <u>04-403</u>
<b>v.</b>	<b>:</b>	<b>DATE FILED:</b> _____
<b>JUAN MANUEL MENDEZ-LAZARO</b>	<b>:</b>	<b>VIOLATION:</b> <b>21 U.S.C. § 846</b>
<b>MIGUEL ROSADO-TORRES,</b>	<b>:</b>	<b>(conspiracy to possess</b>
<b>a/k/a “Koya”,</b>	<b>:</b>	<b>with intent to distribute</b>
<b>MARCOS ANTONIO ORTIZ-CORA</b>	<b>:</b>	<b>cocaine - 1 count)</b>
	<b>:</b>	<b>21 U.S.C. § 853</b>
		<b>(Notice of forfeiture)</b>
		<b>Notice of additional factors</b>

**SUPERSEDING INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

From in or about December 2003, through on or about May 21, 2004, at Reading, Pennsylvania, in the Eastern District of Pennsylvania and elsewhere, defendants

**JUAN MANUEL MENDEZ-LAZARO,  
MIGUEL ROSADO-TORRES,  
a/k/a “Koya,” and  
MARCOS ANTONIO ORTIZ-CORA**

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly and intentionally possess with intent to distribute over five kilograms, that is, approximately 38 kilograms of a mixture or substance containing cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

## **MANNER AND MEANS**

1. It was part of the conspiracy that: Defendant MIGUEL ROSADO-TORRES, was a multi-kilogram supplier of cocaine to Bernardo Banuelos Jr., charged elsewhere, and directed Banuelos to transport multi-kilogram quantities of cocaine from Denver, Colorado to Reading, Pennsylvania.

2. Defendants JUAN MANUEL MENDEZ-LAZARO and MARCOS ANTONIO ORTIZ-CORA met Bernardo Banuelos Jr. in Reading, Pennsylvania and paid Banuelos cash for transporting the cocaine after the cocaine was delivered in Reading, Pennsylvania.

## **OVERT ACTS**

In furtherance of the conspiracy and to accomplish its object, the following overt acts, among others, were performed by the defendants in the Eastern District of Pennsylvania, and elsewhere:

1. In or about December 2003, defendant MIGUEL ROSADO-TORRES met with Bernardo Banuelos Jr. in Denver, Colorado for the purpose of arranging the transportation of cocaine supplied by ROSADO-TORRES to be driven by Banuelos from Denver, Colorado to Reading, Pennsylvania.

2. In or about December 2003, defendant MIGUEL ROSADO-TORRES provided Bernardo Banuelos Jr. with a gray Chevrolet Silverado truck bearing a Pennsylvania license plate and which ROSADO-TORRES stated contained a quantity of cocaine concealed in the engine compartment.

3. In or about December 2003, at the direction of defendant MIGUEL ROSADO-TORRES Bernardo Banuelos Jr. drove the Silverado truck containing the cocaine from Denver, Colorado to the Days Inn hotel in Reading, Pennsylvania.

4. On or about December 14, 2003, defendant MIGUEL ROSADO-TORRES had a telephone conversation with Bernardo Banuelos Jr. after Banuelos had arrived at a Days Inn hotel in Reading, Pennsylvania. Defendant ROSADO-TORRES told defendant Banuelos that he would send someone to the hotel to meet him.

5. Later that afternoon, Banuelos received a telephone call from an unknown Hispanic male who stated that he was at the hotel for the purpose of meeting Banuelos as defendant MIGUEL ROSADO-TORRES had previously instructed. Banuelos met with two unknown Hispanic males and gave the keys to the Silverado to one of the unknown Hispanic males as directed by defendant ROSADO-TORRES. The unknown Hispanic male drove away in the Silverado.

5. On or about December 15 or 16, 2003, defendant JUAN MANUEL MENDEZ-LAZARO and another unknown Hispanic male met with Bernardo Banuelos Jr. outside the Days Inn hotel in Reading, Pennsylvania. Banuelos was given back the keys to the Silverado at that time and defendant MENDEZ-LAZARO paid Banuelos approximately \$2,000 cash for transporting the quantity of cocaine.

6. In or about the end of January 2004, defendant MIGUEL ROSADO-TORRES called Bernardo Banuelos to transport an additional quantity of cocaine from Denver, Colorado to the Days Inn hotel in Reading, Pennsylvania.

7. In or about the end of January 2004, defendant MIGUEL ROSADO-TORRES provided Bernardo Banuelos Jr. with a gray Chevrolet Silverado truck bearing a Pennsylvania license plate and which ROSADO-TORRES stated contained a quantity of cocaine concealed in the engine compartment.

8. In or about the end of January 2004, at the direction of defendant MIGUEL ROSADO-TORRES, Bernardo Banuelos Jr. drove the Silverado truck containing the cocaine from Denver, Colorado to the Days Inn hotel in Reading, Pennsylvania.

9. On or about January 28, 2004, defendants MIGUEL ROSADO-TORRES and JUAN MANUEL MENDEZ-LAZARO checked into the Days Inn hotel in Reading, Pennsylvania and obtained two rooms in close proximity to each other.

10. On or about January 28, 2004, defendant JUAN MANUEL MENDEZ-LAZARO and another unknown Hispanic male met with Banuelos at the Days Inn hotel in Reading, Pennsylvania. Defendant MENDEZ-LAZARO took possession of the Silverado truck and drove Banuelos to another hotel in Reading, Pennsylvania where Banuelos stayed for approximately a day and a half. Defendant MENDEZ-LAZARO took the Silverado truck to an unknown location.

11. On or about January 29, 2004, defendant JUAN MANUEL MENDEZ-LAZARO returned to the hotel and picked up Banuelos. Defendant MENDEZ-LAZARO drove Banuelos in the Silverado to a location and then left Banuelos to drive the Silverado back to Colorado. Prior to leaving Banuelos with the Silverado, defendant MENDEZ-LAZARO paid Banuelos approximately \$4,000 for transporting the quantity of cocaine.

12. From in or about February, 2004 through in or about early May, 2004, defendant MIGUEL ROSADO-TORRES provided Bernardo Banuelos Jr. with a 1999 red Chrysler 300M for the purpose of making several trips to transport multi-kilogram quantities of cocaine from Denver, Colorado to Reading, Pennsylvania.

13. During one trip between February 2004 and early May 2004, defendant

MIGUEL ROSADO-TORRES, a/k/a “Koya,” directed Bernardo Banuelos Jr. to transport approximately 7 kilograms of cocaine from Denver, Colorado to Reading, Pennsylvania. After arriving at the Days Inn in Reading, Pennsylvania, defendant JUAN MANUEL MENDEZ-LAZARO met Banuelos and took, and later returned, the 1999 red Chrysler 300M to Banuelos. After returning the car, defendant MENDEZ-LAZARO paid Banuelos approximately \$4,000 cash.

14. During another trip between February, 2004 and early May 2004, defendant MIGUEL ROSADO-TORRES directed Bernardo Banuelos Jr. to transport approximately 8 kilograms of cocaine from Denver, Colorado to Reading, Pennsylvania. After arriving at the Days Inn in Reading, Pennsylvania, defendants JUAN MANUEL MENDEZ-LAZARO and MARCOS ANTONIO ORTIZ-CORA met Banuelos. Defendant MENDEZ-LAZARO took, and later returned, the 1999 red Chrysler 300M to Banuelos. After returning the car, defendant MENDEZ-LAZARO paid Banuelos approximately \$4,000 cash.

15. In or about early May, 2004, defendant MIGUEL ROSADO-TORRES directed Bernardo Banuelos Jr. to transport approximately 10 kilograms of cocaine from Denver, Colorado to Reading, Pennsylvania. After arriving at the Days Inn in Reading, Pennsylvania, defendant MARCOS ANTONIO ORTIZ-CORA met Banuelos. Defendant ORTIZ-CORA took, and later returned, the 1999 red Chrysler 300M to Banuelos. After returning the car, defendant ORTIZ-CORA paid Banuelos approximately \$4,000 cash.

16. On or about May 19, 2004, defendant MIGUEL ROSADO-TORRES called Bernardo Banuelos Jr. to arrange for the transportation of a multi-kilogram quantity of cocaine to be transported from Denver, Colorado to Reading, Pennsylvania.

17. On or about May 20, 2004, MIGUEL ROSADO-TORRES gave Bernardo Banuelos Jr. approximately 12.9 kilograms of cocaine to transport from Colorado to Reading, PA. Banuelos was stopped by Ohio State Highway Patrol in Dayton, Ohio with the 12.9 kilograms of cocaine.

18. On or about May 21, 2004, at the direction of defendant JUAN MANUEL MENDEZ-LAZARO, Juan Carlos Valerio and Andres Elias Taveras, both charged elsewhere, met with Bernardo Banuelos Jr. in the parking lot of the Day's Inn, Route 222, Reading, Pennsylvania for the purpose of taking delivery of the approximately 12.9 kilograms of cocaine.

19. On or about May 21, 2004, defendant JUAN MANUEL MENDEZ-LAZARO called the cellular telephone of Juan Carlos Valerio to determine the status of the cocaine delivery.

20. On or about May 21, 2004, defendant JUAN MANUEL MENDEZ-LAZARO instructed Bernardo Banuelos Jr. to meet him at a K-Mart Store near the Day's Inn for the purpose of delivering the approximately 12.9 kilograms of cocaine.

21. On or about May 21, 2004, defendants JUAN MANUEL MENDEZ-LAZARO and MARCOS ANTONIO ORTIZ-CORA went to the parking lot of the K-Mart in Reading for the purpose of receiving approximately 12.9 kilograms of cocaine.

All in violation of Title 21, United States Code, Section 846.

## **NOTICE OF FORFEITURE**

### **THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violation of Title 21, United States Code, Section 846 as set forth in Count One of this indictment, defendants

**JUAN MANUEL MENDEZ-LAZARO,  
MIGUEL ROSADO-TORRES,  
a/k/a “Koya,” and  
MARCOS ANTONIO ORTIZ-CORA**

shall forfeit to the United States of America, the following property:

1. All property derived from any proceeds which defendants obtained directly or indirectly, as a result of the violation of Title 21 as charged in this indictment, including but not limited to cash in the amount of \$836,000.000.
2. All property owned by the defendants which was used or intended to be used in any manner or part to commit or facilitate the commission of the violation of Title 21 as charged in the indictment, including but not limited to one red 1999 Chrysler 300M, VIN # 2C3HE66G1XH509617, bearing Colorado license plate 225JTA.
3. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:
  - (A) cannot be located upon the exercise of due diligence;
  - (B) has been transferred or sold to, or deposited with, a third party;
  - (C) has been placed beyond the jurisdiction of the court;
  - (D) has been substantially diminished in value; or



(E) has been commingled with other property which cannot be divided  
without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

Pursuant to Title 21, United States Code, Section 853.

**NOTICE OF ADDITIONAL FACTORS**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. In committing the offense charged in Count One of this indictment:

a. defendants **JUAN MANUEL MENDEZ-LAZARO, MIGUEL ROSADO-TORRES, a/k/a “Koya,” and MARCOS ANTONIO ORTIZ-CORA**, committed an offense and relevant conduct involving at least 5 kilograms, but less than 50 kilograms, of cocaine, as described in U.S.S.G. § 2D1.1(a)(3).

b. defendants **JUAN MANUEL MENDEZ-LAZARO and MIGUEL ROSADO-TORRES, a/k/a “Koya,”** were organizers and leaders of criminal activity that involved five or more participants, and was otherwise extensive, as described in U.S.S.G. § 3B1.1.

A TRUE BILL:

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FOREPERSON

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PATRICK L. MEEHAN  
United States Attorney